

TUESDAY, DECEMBER 19, 2023

Pursuant to law, the Board of Commissioners met on Tuesday, December 19, 2023 at 9:00 a.m. in the Board of Commissioner's Room and were called to order by the Chairperson.

Pledge of Allegiance

Invocation

PRESENT: Margaret Batzer, Jeff Dontz, Karen Goodman, Eric Gustad, Nikki Koons, Richard Schmidt

ABSENT: Janice McCraner

APPROVE MEETING AGENDA

Moved by Schmidt, seconded by Gustad to approve the Meeting Agenda, as amended.

Motion Carried

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CONSENT AGENDA

Moved by Koons, seconded by Gustad to approve the Consent Agenda which includes the minutes of the November 21, 2023 Board meeting and the December 2023 monthly appropriations and fund transfers.

YEAS: 6 Batzer, Dontz, Goodman, Gustad, Koons, Schmidt

YAYS: 0 None

ABSENT: 1 McCraner

Motion Carried

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PUBLIC COMMENT

John Helge spoke regarding the Clean Energy and Jobs Act.

RECOGNITION & ANNOUNCEMENTS

Each December, the Manistee County Board of Commissioners recognizes County/Court employees and Elected Officials who have achieved landmark years of service. The following individuals will be recognized by the Board of Commissioners and receive awards based on years of service at today’s Board of Commissioners meeting.

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5 YEAR AWARDS

Rebecca Brown	Reference Librarian	Manistee County Library
Nickolas Hawkins	Corrections Officer	Manistee County Sheriff's Office
Miranda Kelley	Police Clerk	Manistee County Sheriff's Office
Katlyn Lucius	Secretary/MI Child Enforcement Support Spec.	Friend of the Court
Tiffany Mackey	MI Child Enforcement Support Spec.	Friend of the Court
Raymond Maycock	Corrections Officer	Manistee County Sheriff's Office

10 YEAR AWARDS

Jessica Witkowski	Dispatcher	Manistee County 911/Central Dispatch
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15 YEAR AWARDS

Melissa Bjorkquist	Chief Deputy Clerk	Manistee County Clerk's Office
Chanda Ingalls	Crime Victims/Witness Assistant	Manistee County Prosecutor's Office
Nicholas Wallet	Library Technician	Manistee County Library

20 YEAR AWARDS

Julie Modjeski	Probate Register	Probate Court
Constance Miller	Associate Friend of the Court	Friend of the Court
Lisa Senters	Deputy Director	Manistee County Equalization

2023 RETIREES:

- Brian Richmond retired from the Manistee County Building and Grounds Department as a Maintenance Custodian on March 31, 2023. He retired after 14 years of service.
- Helen Grabowski retired from the Manistee County Library as the Administrative Aide and Bookkeeper on April 12, 2023. She retired after 21 years and 6 months of service.
- Patricia Heins retired from the 19th Judicial Circuit Court as the Circuit Court Administrator on April 28, 2023. She retired after 16 years of service.
- Connie Krusniak retired from the 19th Judicial Circuit/Friend of the Court as the Director of Family Services on May 31, 2023. She retired after 8 years of service.
- Janice Jankowski retired from the 19th Judicial Circuit/Friend of the Court as a MI Child Enforcement Support Specialist on June 20, 2023. She retired after 22 years of service.
- James Johnson retired from the Manistee County Sheriff's Office as a Corrections Sergeant on June 30, 2023. He retired after 25 years of service.
- Honorable Judge Thomas Brunner retired from the 85th Judicial District and Probate Court on July 31, 2023. He retired after 16 years and 7 months of service.
- Vincent Quaglia retired from the 19th Judicial Circuit as the Circuit Court Reporter on October 01, 2023. He retired after 6 years of service.

GREEN TEAM COMMITTEE MINUTES/DECEMBER 7, 2023

Margaret Batzer presented the Green Team Committee minutes of December 7, 2023.

No Action Items. P.A. 69 Recycling Update. Onekama Site discussion. Part 115 Update.

Moved by Batzer, seconded by Gustad to approve the Green Team Committee minutes of December 7, 2023.

Motion Carried

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BOARD/COMMISSION APPOINTMENTS

AIRPORT AUTHORITY BOARD

Two (2) At-Large vacancies to fill a three (3) year term, commencing January 1, 2024 and expiring December 31, 2026

Applicants: Adam Dontz (Incumbent)
Cynthia Kaminski (Incumbent)
Barry Peterson

An Applicant must receive at least four (4) votes to be appointed.

First Vote: Batzer - Cynthia Kaminski
Dontz - Cynthia Kaminski
Goodman - Cynthia Kaminski
Gustad - Cynthia Kaminski
Koons - Cynthia Kaminski
McCraner - ABSENT
Schmidt - Cynthia Kaminski

Second Vote: Batzer - Adam Dontz
Dontz - Adam Dontz
Goodman - Adam Dontz
Gustad - Adam Dontz
Koons - Adam Dontz
McCraner - ABSENT
Schmidt - Adam Dontz

Having received six (6) votes each, Cynthia Kaminski and Adam Dontz are appointed to the Airport Authority for a three (3) year term commencing January 1, 2024 and expiring December 31, 2026.

LIBRARY BOARD

One (1) vacancy to fill a five (5) year term commencing January 1, 2024 and expiring December 31, 2028.

Applicants: Ralph Mortensen (Incumbent)
Philip Van Dam

An applicant must receive four (4) votes to be appointed.

First Vote: Batzer - Ralph Mortensen
Dontz - Ralph Mortensen
Goodman - Ralph Mortensen
Gustad - Ralph Mortensen
Koons - Ralph Mortensen
McCraner - ABSENT
Schmidt - Ralph Mortensen

Having received six (6) votes, Ralph Mortensen is appointed to the Library Board a five (5) year term commencing January 1, 2024 and expiring December 31, 2028.

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LAND BANK AUTHORITY

One (1) Construction/Building Trades Representative to fill a three (3) year term, commencing January 1, 2024 and expiring December 31, 2026.

Applicants: Gary Buren (Incumbent)
Vidar Lerum

An applicant must receive four (4) votes to be appointed.

<u>Vote:</u>	Batzer	- Vidar Lerum
	Dontz	- Gary Buren
	Goodman	- Gary Buren
	Gustad	- Gary Buren
	Koons	- Gary Buren
	McCraner	- ABSENT
	Schmidt	- Gary Buren

Having received five (5) votes, Gary Buren is appointed to the Land Bank Authority representing Construction/Building Trades for a three (3) year term, commencing January 1, 2024 and expiring December 31, 2026.

One (1) At-Large position to fill an unexpired term commencing immediately and expiring December 31, 2025.

Applicants: Mitch Deisch

An applicant must receive four (4) votes to be appointed.

<u>Vote:</u>	Batzer	- Mitch Deisch
	Dontz	- Mitch Deisch
	Goodman	- Mitch Deisch
	Gustad	- Mitch Deisch
	Koons	- Mitch Deisch
	McCraner	- ABSENT
	Schmidt	- Mitch Deisch

Having received six (6) votes, Mitch Deisch is appointed to the Land Bank Authority to fill an unexpired At-Large position, commencing immediately and expiring December 25, 2025.

PARKS AND RECREATION COMMISSION

Two (2) At-Large positions to fill three (3) year terms, commencing January 1, 2024 and expiring on December 31, 2026.

Applicants: Thomas Williams

<u>Vote:</u>	Batzer	- Thomas Williams
	Dontz	- Thomas Williams
	Goodman	- Thomas Williams
	Gustad	- Thomas Williams
	Koons	- Thomas Williams
	McCraner	- ABSENT
	Schmidt	- Thomas Williams

Having received six (6) votes, Thomas Williams is appointed to the Parks and Recreation Commission for a three (3) year term, commencing January 1, 2024 and expiring December 31, 2026.

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The Board will consider any late applications for the Parks and Recreation Commission at the January 2, 2024 Organizational Meeting for the remaining position.

COUNTY MEDICAL EXAMINER

One (1) appointment for a four (4) year term, commencing January 1, 2024 and expiring on December 31, 2027.

Applicants: Lois Goslinoski (Incumbent)

Vote: Batzer - Lois Goslinoski
Dontz - Lois Goslinoski
Goodman - Lois Goslinoski
Gustad - Lois Goslinoski
Koons - Lois Goslinoski
McCraner - ABSENT
Schmidt - Lois Goslinoski

Having received six (6) votes, Lois Goslinoski is appointed as the County Medical Examiner for a four (4) year term, commencing January 1, 2024 and expiring on December 31, 2027.

WAYS & MEANS COMMITTEE MINUTES/DECEMBER 6, 2023

Margaret Batzer presented the Ways & Means Committee Minutes of December 6, 2023.

FINANCE REPORT

Board of Commissioners
Manistee County
Manistee, Michigan 49660

We hereby submit claims for November 1, 2023 through November 30 2023 and a summary of the On-Demand checks for their review and approval. The totals are as follows:

**MANISTEE COUNTY
WAYS & MEANS REPORT**

FUND #	FUND NAME	11/01/2023 THRU 11/30/2023	ON DEMAND & ACH PAYMENTS	TOTAL
101	GENERAL FUND	\$ 215,183.55	2,454.63	\$ 217,638.18
102	BUDGET STABILIZATION FUND			\$ -
201	COUNTY ROAD FUND			\$ -
208	PARK/RECREATION FUND-TRAILS			\$ -
213	AIS GRANT FUND			\$ -
214	BEAR LAKE IMPROVEMENT FUND	\$ 221.00		\$ 221.00
215	FRIEND OF THE COURT FUND			\$ -
216	DEPARTMENT CONTINGENCY FUND			\$ -
217	LOCAL REVENUE SHARING GRANT FUND			\$ -
225	RECYCLING FUND	\$ 5,520.00		\$ 5,520.00
232	MANISTEE COUNTY DIVE EQUIPMENT FUND			\$ -
236	MAINTENANCE OF EFFORT FUND	\$ 7,269.71		\$ 7,269.71
237	HOMELAND SECURITY GRANT FUND			\$ -
238	LAND BANK AUTHORITY FUND			\$ -
239	US FISH & WILDLIFE GRANT			\$ -
242	BROWNFIELD REDEVELOPMENT-JOSLIN COVE			\$ -

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243	BROWNFIELD REDEVELOPMENT AUTHORITY FUND			\$	-
245	OHSP GRANT FUNDS			\$	-
251	CAPITAL IMPROVEMENT FUND	\$	9,408.89	\$	9,408.89
252	PRE AUDIT FUND			\$	-
253	REMOUMENTATION FUND			\$	-
256	REGISTER OF DEEDS AUTOMATION FUND	\$	3,222.22	\$	3,222.22
260	INDIGENT DEFENSE FUND	\$	4,076.94	\$	4,076.94
263	CONCEALED PISTOL LICENSING FUND			\$	-
264	CORRECTIONS OFFICER TRAINING FUND			\$	-
266	LAW ENFORCEMENT TRAINING FUND			\$	-
269	LAW LIBRARY FUND	\$	1,696.51	\$	1,696.51
272	COMMUNITY CORRECTIONS – 511			\$	-
277	AIR PHOTO FUND			\$	-
279	HOUSING FUND			\$	-
280	HEALTH INSURANCE FUND	\$	145,960.61	1,775.85	\$ 147,736.46
283	LAND BANK FUND	\$	3,793.32		\$ 3,793.32
292	CHILD CARE FUND	\$	3,775.25		\$ 3,775.25
293	SOLDIERS & SAILORS RELIEF FUND	\$	14,364.14		\$ 14,364.14
295	AIRPORT AUTHORITY FUND	\$	37,430.65		\$ 37,430.65
296	JUVENILE JUSTICE FUND	\$	4,333.00		\$ 4,333.00
297	COMPENSATED SERVICES FUND			140,514.24	\$ 140,514.24
299	UNEMPLOYMENT FUND			\$	-
369	BUILDING AUTHORITY FUND			\$	-
370	COUNTY ROAD BUILDING FUND			\$	-
481	AIRPORT CAPITAL IMPROVEMENT FUND			\$	-
516	DELINQUENT TAX FUND			\$	-
620	FORECLOSURE FUND	\$	663.57		\$ 663.57
701	TRUST AND AGENCY FUND	\$	142.30		\$ 142.30
737	OPEB TRUST FUND	\$	22,271.83	224.24	\$ 22,496.07
801	DRAIN FUND			\$	-

TOTALS (Includes 2 accounts payable runs; on demand checks)	\$	479,333.49	144,968.96	\$	624,302.45
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TOTAL PAYROLL FOR 11/01/23 THRU 11/30/23
(includes 2 payrolls)

\$ 558,443.73

Employee Separation Payouts

GRAND TOTAL

\$ 1,182,746.18

Moved by Batzer, seconded by Gustad to approve the on-demand checks, bills and payroll, be accepted in the amount of \$1,182,746.18 and that the same be placed on file.

YEAS: 6 Koons, Schmidt, Batzer, Dontz, Goodman, Gustad

YAYS: 0 None

ABSENT: 1 McCraner

Motion Carried

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MANISTEE COUNTY MEDICAL CARE FACILITY

RESOLUTION #2023-16
MANISTEE COUNTY BOARD OF COMMISSIONERS

**RESOLUTION TO AUTHORIZE ISSUANCE of 2024 Medical care facility Bonds
(General Obligation Unlimited Tax) AND RELATED MATTERS**

At a regular meeting of the Manistee County Board of Commissioners held in the Manistee County Courthouse & Government Center, 415 Third Street, Manistee, Michigan, on the 19th day of December 2023.

PRESENT: Batzer, Dontz, Goodman, Gustad, Koons, Schmidt

ABSENT: McCraner

The following resolution was offered by Batzer and seconded by Gustad:

WHEREAS, the County of Manistee (the “County”) previously approved a ballot proposal to issue its general obligation unlimited tax bonds under the provisions of Article 9, Section 6 of the Michigan Constitution of 1963 (the “Michigan Constitution”), the Unlimited Tax Election Act, Act 189 of the Public Acts of Michigan of 1979, as amended (“Act 189”), and the Revised Municipal Finance Act, Act 34 of the Public Acts of Michigan of 2001, as amended (“Act 34”), and other applicable law, subject to the approval of County electors for the renovation and expansion of the County Medical Care facility (the “Project”); and

WHEREAS, County electors approved the County’s issuance of general obligation unlimited tax bonds in the not to exceed amount of \$24,000,000 to pay for the construction and financing of the Project at the November 2, 2021, general election; and

WHEREAS, the estimated cost for the Project including construction, financing, legal and contingency is \$26,794,236; and

WHEREAS, the County has spent \$1,715,020.71 in County Medical Care Facility funds on hand for the Project to date; and

WHEREAS, in order to proceed with and fund the Project it is necessary and in the best interest of the County to borrow up to the sum of \$24,000,000 and to issue its general obligation unlimited tax bonds therefore in accordance with the Michigan Constitution, Act 189 and Act 34.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. **Necessity; Findings; Cost of the Project.** It is necessary for the public health, safety, and welfare of the County for the County to undertake the Project and issue bonds of the County therefore pursuant to applicable law including Act 34 and Act 189. The County Board of

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Commissioners hereby finds that the period of usefulness of the Project is not less than twenty (20) years. The estimated cost of the Project in the amount of \$26,794,236 is hereby approved and shall be paid from the proceeds of the bonds authorized by this resolution, investment earnings thereon, and County funds on hand.

2. **Authorization of Bonds; Security for Repayment of Bonds; Unlimited Tax Pledge.** The County shall borrow money and issue bonds known as 2024 MEDICAL CARE FACILITY BONDS (GENERAL OBLIGATION UNLIMITED TAX) (the “Bonds”), in the not to exceed principal sum of Twenty-four Million and 00/100 Dollars (\$24,000,000) pursuant to the provisions of applicable law, including Act 34 and Act 189, for the purpose of defraying all or a portion of the cost of the Project. The Bonds shall be the general obligation of the County secured by the County’s full faith and credit and the County’s unlimited tax pledge in accordance with Act 34 and Act 189, pursuant to which the County shall levy, in addition to other taxes which the County may be authorized to levy, ad valorem taxes on all taxable property within the boundaries of the County without limitation as to rate or amount to the extent necessary to pay the principal of and interest on the Bonds when due.

3. **Bond Specifications.** The County Controller/Administrator (the “County Administrator”) and/or the County Medical Care Facility Administrator (the “County Medical Care Facility Administrator”) are hereby individually authorized and directed in accordance with Section 315(1)(d) of Act 34 to approve the final terms of the Bonds which will be determined in the manner provided in this Resolution at the date of pricing, based on market conditions. The Bonds shall be secured in the manner provided by Paragraph 2 above, and shall be registered both as to principal and interest in substantially the form and tenor set forth in Exhibit A attached hereto. The Bonds shall be issued in a principal amount and at par, discount or premium, which shall in any case comply with Act 34, and shall be dated, all as the County Administrator or the County Medical Care Facility Administrator shall determine. The Bonds shall mature serially and/or in one or more term maturities due on the dates and in the amounts as the County Administrator or the County Medical Care Facility Administrator shall determine in the manner provided in this Resolution at the date of pricing, based on market conditions. The Bonds shall bear interest at a fixed rate or rates payable semi-annually on May 1 and November 1, or on such dates as shall be determined by the County Administrator or the County Medical Care Facility Administrator, commencing on such date as determined by the County Administrator or the

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County Medical Care Facility Administrator, and shall be subject to optional or mandatory redemption, prior to maturity, in whole or in part, in such amounts and at such times with or without premium, or at no time prior to maturity, all as determined by the County Administrator or the County Medical Care Facility Administrator on the date of the pricing on the Bonds, based on market conditions. The Bonds shall be issued in denominations of \$5,000 or multiples thereof as determined by the County Administrator or the County Medical Care Facility Administrator. The County Administrator or the County Medical Care Facility Administrator are hereby authorized to take any actions and make any approvals necessary to complete the issuance of the Bonds including, but not limited to: principal amounts and payment dates; denominations; date of issuance; interest payment dates; record payment dates; prices, discounts; maturities and maturity dates; designation of the Bonds as qualified tax-exempt obligations; redemption rights; designation of Bond Registrar; designation of transfer and paying agents and fees; use of premium on the Bonds, if any; securing a rating for the Bonds and related rating agency fees; continuing disclosure requirements; preparation and dissemination of a preliminary and final official statement and related printing costs; publication of any required notices with respect to the Bonds, if any; and any action that may be necessary to purchase a policy or policies of municipal bond insurance with respect to the Bonds if the County Administrator or the County Medical Care Facility Administrator determine that the purchase of such municipal bond insurance is in the best interest of the County. The determinations by the County Administrator or the County Medical Care Facility Administrator in accordance with this Resolution shall be made in writing in substantially the form attached to this Resolution as Exhibit B.

Notwithstanding the foregoing, the authority of the County Administrator or the County Medical Care Facility Administrator is subject to the following limitations:

- (a) That the principal amount of the Bonds shall not exceed \$24,000,000;
- (b) The Bonds shall be dated as of the date of delivery to the Underwriter (as defined below);
- (c) The maximum rate of interest on the Bonds shall not exceed 7.0% per annum;
- (d) The maximum Underwriter's Discount shall not exceed .80%;
- (e) The County Administrator or the County Medical Care Facility Administrator have received the written recommendation of Bendzinski & Co. Municipal

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Finance Advisors, as Registered Municipal Advisor to the County, with respect to the terms of the Bonds to be determined in accordance with this Paragraph 3.

The Bonds may be issued in book-entry only form as one bond per maturity, fully registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company (“DTC”), New York, New York. If this option is selected, DTC will act as securities depository for the Bonds, purchase of the Bonds will be made in book-entry only form in authorized denominations, and purchasers will not receive certificates representing their interest in Bonds purchased. If the Bonds are issued in book-entry only form, provisions in this Resolution to the contrary shall be of no force or effect unless and until the book-entry only system is suspended. The County Administrator or the County Medical Care Facility Administrator are authorized to determine whether the Bonds shall be issued in book-entry only form, to make such changes in the form of the Bonds as shall be necessary or convenient to enable the Bonds to be issued in book-entry only form, and to execute such documents as may be required to enable the Bonds to be so issued.

In the alternative, a single bond may be used incorporating all maturities.

4. **Bond Registrar; Payment of Principal and Interest.** A financial institution qualified to act as paying agent and registrar in the State of Michigan shall act on behalf of the County as paying, registration and transfer agent (the “Bond Registrar”) with respect to the Bonds. The County reserves the right to designate an alternate financial institution to act as Bond Registrar for the Bonds and in such event the County shall mail, or cause to be mailed, notice to all registered owners of the Bonds not less than 60 days prior to the effective date of said change in Bond Registrar. The Bonds and the interest thereon shall be paid in lawful money of the United States of America by the Bond Registrar. Interest shall be paid when due by check or draft drawn on the Bond Registrar and mailed by first class mail or other acceptable method to the registered owners of record as of each April 15 with respect to payments due and payable on the immediately succeeding May 1, and as of each October 15 with respect to payments due and payable on the immediately succeeding November 1 (unless otherwise modified in accordance with Paragraph 3 of this resolution). Principal shall be payable at the principal office of the Bond Registrar upon presentation and surrender of the corresponding bond certificate.

5. **Redemption of Bonds Prior to Maturity.** The Bonds shall be subject to optional or mandatory redemption, prior to maturity, in whole or in part, in such amounts and at

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such times, with or without premium, or at no time prior to maturity, as determined by the County Administrator or the County Medical Care Facility Administrator in accordance with Paragraph 3 of this Resolution.

In the event of redemption, notice of the call of any Bonds for redemption shall be given by first class mail by the Bond Registrar, at least thirty (30) days prior to the date fixed for redemption, to the registered owners of record at the registered addresses shown on the registration books kept by the Bond Registrar. Bonds shall be called for redemption in multiples of \$5,000 and Bonds of denominations of greater than \$5,000 shall be treated as representing the number of Bonds obtained by dividing the denomination of the Bond by \$5,000 and such Bonds may be redeemed in part. Except in the case when a single bond has been issued which incorporates all maturities, the notice of redemption for Bonds redeemed in part shall state that upon surrender of the Bond to be redeemed a new Bond or Bonds in aggregate principal amount equal to the unredeemed portion of the Bond surrendered shall be issued to the registered owner thereof. No further interest payment on the Bonds or portions of the Bonds called for redemption shall accrue after the date fixed for redemption, whether or not the Bond is presented for redemption, provided funds are on hand with the Bond Registrar to redeem the same.

6. **Registration.** The Bonds shall be registered both as to principal and interest in substantially the form and tenor as set forth in Exhibit A attached hereto. Any individual bond shall be transferable on the bond register maintained with respect to the Bonds upon the surrender of the individual bond together with an assignment executed by the registered owner or his or her duly authorized attorney in form satisfactory to the Bond Registrar. Upon receipt of a properly assigned Bond, the Bond Registrar shall authenticate and deliver a new bond or bonds in equal aggregate principal amount and like interest rate and maturity to the designated transferee or transferees. Any individual bond may likewise be exchanged for one or more other bonds with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the bond being exchanged. Such exchange shall be effected by surrender of the individual bond to be exchanged to the Bond Registrar with written instructions signed by the registered owner of the individual bond or his or her attorney in form satisfactory to the Bond Registrar. Upon receipt of an individual bond with proper written instructions the Bond Registrar shall authenticate and deliver a new bond or bonds to the registered owner of the Bond or his or her properly designated transferee or transferees or attorney. A transfer, exchange and

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registration of Bonds shall be without expense or service charge to the registered holder except for any tax or other governmental charge required to be paid with respect to such transfer, exchange, or registration. The Bond Registrar shall not be required to transfer or exchange Bonds or parts of Bonds which have been selected for optional redemption.

7. **Duties of Bond Registrar.** The Bond Registrar shall, upon receipt of sufficient funds from the County, make timely payments of principal and interest on the Bonds, authenticate the Bonds upon their initial issuance and subsequent transfer to successive holders, act as registrar of the Bonds including the preparation and maintenance of a current register of registered owners of the Bonds, coordinate the transfer of individual bonds between successive holders, including printing and transferring new certificates, and perform all other duties set forth in this Resolution or otherwise normally performed by paying, registration and transfer agents. All reasonable fees and expenses of the Bond Registrar shall be paid by the County. The County, acting by and through its County Administrator or the County Medical Care Facility Administrator, reserves the right to designate an alternate financial institution to act as Bond Registrar for the Bonds and in such event the County shall mail notice to all registered owners of the Bonds not less than 60 days prior to the effective date of said change in Bond Registrar.

8. **Replacement of Bonds.** Upon receipt by the Bond Registrar of proof of ownership of an unmatured bond, or satisfactory evidence that the bond has been lost, apparently destroyed, or wrongfully taken and of security or indemnity which complies with applicable law and is satisfactory to the Bond Registrar, the Bond Registrar may deliver a new executed bond to replace the bond lost, apparently destroyed, or wrongfully taken in compliance with applicable law. In the event an outstanding matured bond is lost, apparently destroyed, or wrongfully taken, the Bond Registrar may pay the bond without presentation upon receipt of the same documentation required for the delivery of a replacement bond. The Bond Registrar for each new bond delivered or paid without presentation as provided above, shall require the payment by the bondholder of expenses, including counsel fees, which may be incurred by the Bond Registrar and the County in connection therewith. Any bond delivered pursuant to the provisions of this Paragraph 8 in lieu of any bond lost, apparently destroyed, or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the bond originally issued.

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9. **Debt Service Fund.** There shall be established and maintained on the books of the County Treasurer a fund to be designated “2024 MEDICAL CARE FACILITY BONDS – DEBT SERVICE FUND” (the “Debt Service Fund”). Into said fund there shall be placed (i) the accrued interest, if any, from the date of the Bonds to the date of delivery thereof; and (ii) capitalized interest on the Bonds, if any, from the date of delivery of the Bonds. As part of the Debt Service Fund, there shall be established and maintained such subaccounts as are deemed necessary and appropriate for the proper administration of the Debt Service Fund and compliance with the requirements of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”). The principal of, premium, if any, and interest on the Bonds together with the Registrar’s fee and the cost of continuing disclosure, if any, for the term of the Bonds, when due shall be paid directly out of the Debt Service Fund or its subaccounts. All amounts hereby pledged, including the proceeds of the ad valorem property taxes levied in support of the County’s unlimited tax pledge approved by County voters on November 2, 2021, to the prompt payment of the principal of and interest on the Bonds shall be kept and maintained in the Debt Service Fund so long as there are any of the Bonds, or interest thereon, outstanding and unpaid. After payment in full of the Bonds and the interest thereon, or after provision has been made for the payment in full of the Bonds and the interest thereon in the manner provided in Paragraph 21, the surplus remaining in the Debt Service Fund shall be used for such purposes as required or permitted by law.

10. **Construction Fund.** Prior to delivery and sale of the Bonds, there shall be established and maintained on the books of the County Treasurer a separate account designated “2024 MEDICAL CARE FACILITY BONDS – CONSTRUCTION FUND” (the “Construction Fund”). After deducting a sum equal to the amount of any (i) accrued interest from the date of the Bonds to the date of delivery thereof; and (ii) capitalized interest on the Bonds, if any, from the date of delivery of the Bonds, which sums shall be deposited in the Debt Service Fund, as defined above, the balance of the proceeds of the Bonds including premium, if any, shall be deposited into the Construction Fund, together with County funds on hand, which after taking into account investment earnings, is adequate to pay all remaining costs of the Project. The monies on deposit in the Construction Fund from time to time shall be used solely for the purpose for which the Bonds were issued, including the cost of the Project. Any unexpended balance shall be used for such purposes as required or permitted by law including, without

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limitation, transfer to the Debt Service Fund for payment of principal, premium, if any, and interest on the Bonds at maturity or by redemption. After completion of the Project and disposition of remaining Bond proceeds, if any, pursuant to the provisions of this paragraph, the Construction Fund shall be closed.

11. **Duties of County Treasurer.** The County Treasurer shall keep full and complete records of all deposits to and withdrawals from the Debt Service Fund and the Construction Fund and of all investments of monies in such accounts and other transactions relating thereto. The Treasurer is authorized to invest the monies in said accounts in any one or more lawful investments authorized for counties by law and consistent with the County investment policy.

12. **Revised Municipal Finance Act.** The County currently meets the requirements of qualified status under Section 303(3) of Act 34, and shall comply with all applicable requirements of Act 34, including the filing of a security report and the payment of the filing fee required by Section 319 of Act 34.

13. **Tax Covenant; Not Qualified Tax-Exempt Obligations.** The County covenants to comply with all requirements of the Code necessary to assure that the interest on the Bonds will be and will remain excludable from gross income for purposes of federal income taxation. The County does not designate the Bonds as “qualified tax-exempt obligations” for purposes of deduction of interest expense by financial institutions under the provisions of Section 265(b)(3) of the Code, it being reasonably anticipated that the aggregate amount of tax-exempt obligations which will be issued during 2024 by the County and all subordinate entities to the County shall exceed \$10,000,000. The County Treasurer and other appropriate County officials, acting for and on behalf of the County, are authorized and directed to do all things necessary to assure that the interest on the Bonds will be and will remain excludable from gross income for federal income tax purposes and that the Bonds will be and remain binding and valid obligations of the County.

14. **Bond Purchase Agreement; Negotiated Sale of Bonds.** The Board of Commissioners finds it to be in the best interest of the County and its residents, taxpayers and electors, to sell the Bonds at a negotiated sale, rather than a competitive sale, because a negotiated sale is the most efficient and expeditious process to obtain the maximum flexibility in sizing the Bonds, and in pricing and structuring the Bonds to take advantage of day to day fluctuations in the municipal bond market, thereby resulting in the lowest interest cost to the

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County. The County Administrator and the County Treasurer are hereby individually authorized to execute and deliver on behalf of the County a Bond Purchase Agreement substantially in the form attached hereto as Exhibit C (the “Bond Purchase Agreement”), which embodies the terms of the Bonds approved by the County Administrator or the County Medical Care Facility Administrator in accordance with this Resolution, with such additions to and deletions from the Bond Purchase Agreement as the County Administrator or the County Medical Care Facility Administrator determine to be in the best interest of the County, and the County Administrator or the County Medical Care Facility Administrator are hereby authorized to sell the Bonds at a negotiated sale to Huntington Capital Markets, or an affiliate thereof (the “Underwriter”), pursuant to the Bond Purchase Agreement and in accordance with applicable state law, and to do all other things necessary to effectuate the sale, issuance, delivery, transfer and exchange of the Bonds in accordance with the provisions of this Resolution and the Bond Purchase Agreement.

15. **Official Statement.** The County Treasurer and other County officials are authorized to cause the preparation of a near final official statement and a final official statement for the Bonds for the purpose of enabling compliance with SEC Rule 15c2-12 (the “Rule”), and the County Treasurer is authorized to execute and deliver the final official statement on behalf of the County, and to do all other things necessary to enable compliance with the Rule. The use of the official statement by the Underwriter in the public offering and sale of the Bonds is hereby authorized. After the award of the Bonds, the County will provide on a timely basis electronic copies of the final official statement at its expense (and such additional printed copies of the final official statement as reasonably requested by, and at the expense of, the Underwriter of the Bonds) to enable the Underwriter to comply with paragraph (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board.

16. **Continuing Disclosure.** The County hereby covenants and agrees, for the benefit of the holders of the Bonds, to cause the execution of a Continuing Disclosure Undertaking in substantially the form attached hereto as Exhibit D, as the written undertaking of the County (the “Undertaking”) required by the Rule and to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. This Undertaking shall be enforceable by the holders of the Bonds in the manner set forth therein and any failure by the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds. The Undertaking is

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hereby approved in the form attached as Exhibit D and the County Treasurer is hereby authorized and directed to execute the Undertaking and deliver the same for and on behalf of the County in conjunction with the delivery of the Bonds in the form approved by this Resolution, together with such additions and deletions as said officer deems to be appropriate and in the best interest of the County (in such number of counterparts as may be desirable).

17. **Registered Municipal Advisor.** Bendzinski & Co. Municipal Finance Advisors of Detroit, Michigan, is hereby retained by the County as registered municipal advisor (the “Registered Municipal Advisor”) in connection with the issuance and sale of the Bonds. In that capacity, the Registered Municipal Advisor shall negotiate the terms of the sale of the Bonds to the Underwriter, shall make a written recommendation of the terms of the Bonds to the County Administrator and the County Treasurer, shall assist in the preparation of an official statement, shall prepare and file on behalf of the County all necessary applications for bond ratings, and shall assist in other related matters as directed by the County.

18. **Bond Counsel.** Mika Meyers PLC, attorneys of Grand Rapids, Michigan, is hereby retained by the County as bond counsel (“Bond Counsel”) in connection with the issuance and sale of the Bonds.

19. **Execution and Delivery of Bonds.** The Chair of the County Board of Commissioners and County Clerk are authorized and directed to execute the Bonds in substantially the form approved with such necessary variations, omissions, corrections and insertions as they deem appropriate and are required for and on behalf of the County, manually or by facsimile signature for and on behalf of the County, and, if the County has a seal, to place thereon the County Seal or a facsimile thereof; provided that the Bonds shall be executed by the facsimile signatures of the said Chair of the County Board of Commissioners and County Clerk only if the bonds are thereafter manually authenticated by the Bond Registrar. The Chair of the County Board of Commissioners, County Clerk, County Treasurer, County Administrator, and the County Medical Care Facility Administrator are authorized and directed to execute and deliver on behalf of the County such other certificates, affidavits, investment agreements or other documents or other instruments, including applications for ratings or municipal bond insurance, as may be required by the initial purchaser (the “Purchaser”) of the Bonds or Bond Counsel or the Municipal Advisor or convenient to effectuate the execution and delivery of the Bonds. Upon execution of the Bonds, the County Treasurer is hereby authorized and directed to deliver

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or cause to be delivered the Bonds to the Purchaser, upon receipt of the purchase price therefor less any discount and plus any premium and accrued interest, if any, to the date of delivery. The County shall furnish the Bonds ready for execution without expense to the Purchaser. The County shall also furnish without expense to the Purchaser at the time of delivery of the Bonds, the approving opinion of Bond Counsel, approving the legality of the Bonds. The Bonds will be delivered at the expense of the County in such place as agreed upon with the Purchaser; provided, however, that CUSIP identification numbers shall be printed on the Bonds at the underwriter's expense. The proceeds of the Bonds shall be deposited into the Debt Service Fund and the Construction Fund, as provided in Paragraphs 9 and 10, above.

20. **Reservation of Rights.** The County reserves the right to refund the Bonds, in whole or in part, prior to maturity, subject to the requirements of the Code and Act 34.

21. **Defeasance.** In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or such earlier date, if any, as the Bonds are subject to redemption in full, the principal of and interest on the Bonds, shall have been deposited in trust, this Bond Resolution shall be defeased and the owners of the Bonds shall have no further rights under this Bond Resolution except to receive payment of the principal of and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

22. **Authorized Officers.** In the event of the absence or disability of the County Clerk, the Deputy Clerk shall act in her stead. In the absence or disability of the County Treasurer, the Chief Deputy County Treasurer shall act in her stead.

23. **Conflicts.** All resolutions and parts of resolutions in conflict with the foregoing are hereby rescinded.

AYES: Batzer, Dontz, Goodman, Gustad, Koons, Schmidt

NAYS: None.

ABSTAIN: None.

ABSENT: McCraner

RESOLUTION DECLARED ADOPTED.

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COURTHOUSE NETWORK SWITCH UPGRADE

Moved by Batzer, seconded by Gustad to approve the bid from CXtec, in the amount of \$13,932.31, for the upgrade of the Courthouse Network Switch.

YEAS: 6 Batzer, Dontz, Goodman, Gustad, Koons, Schmidt
YAYS: 0 None
ABSENT: 1 McCraner

Motion Carried

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RENEWAL OF THE COUNTYWIDE WEBSITE

Moved by Batzer, seconded by Gustad to approve the renewal contract, from CivicPlus, for the Countywide website for December 20, 2023 through December 19, 2024, in the amount of \$8,568.52.

YEAS: 6 Dontz, Goodman, Gustad, Koons, Schmidt, Batzer
YAYS: 0 None
ABSENT: 1 McCraner

Motion Carried

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ADDENDUM OF CONTRACT
MANISTEE COUNTY JAIL WITH ALL ACCESS CARE

Moved by Schmidt, seconded by Koons to approve the Addendum of Contract Manistee County Jail with All Access Care in the amount of \$38,400, effective January 1, 2024; to be paid for from Opioid Settlement Funds.

YEAS: 6 Goodman, Gustad, Koons, Schmidt, Batzer, Dontz
YAYS: 0 None
ABSENT: 1 McCraner

Motion Carried

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MMRMA POLICY

Moved by Batzer, seconded by Gustad to approve the Michigan Municipal Risk Assessment Authority (MMRMA) Policy, for the policy period of January 1, 2024 through January 1, 2025, in the amount of \$235,726.

YEAS: 6 Gustad, Koons, Schmidt, Batzer, Dontz, Goodman
YAYS: 0 None
ABSENT: 1 McCraner

Motion Carried

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Moved by Batzer, seconded by Gustad to approve the Ways and Means Committee minutes of December 6, 2023.

Motion Carried

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NETWORKS NORTHWEST

Mathew Cooke, Community Planner, Networks Northwest, presented information related to the Materials Management Plan (MMP).

CHARTER COMMUNICATIONS (SPECTRUM) UPDATE

Marilyn Passmore, Director, State Government Affairs, Charter Communications (Spectrum) provided an update on the rural broadband expansion in Manistee County.

LANK BANK AUTHORITY

Rachel Nelson, Manistee County Treasurer presented the Annual Landbank Report.

MISCELLANEOUS CONTROLLER AND BOARD ITEMS

Lisa Sagala addressed the ARPA Funding awarded to the Manistee County Recreation Commission and the Recreation Manager position. Discussion Followed.

VOGUE THEATRE LETTER OF SUPPORT

Moved by Batzer, seconded by Goodman to approve a Letter of Support for the Vogue Theatre Elevator Project and allow the Board Chairperson to sign.

YEAS: 6 Koons, Schmidt, Batzer, Dontz, Goodman, Gustad
YAYS: 0 None

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ABSENT: 1 McCraner

Motion Carried

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Adjourn at the Call of the Chair at 11:10 a.m.

Lindsey Marquardt County Clerk

DRAFT